

## REMARKS

This application has been reviewed in light of the Office Action dated December 11, 2008. Claims 30-35, 37, 40-42, 44, 47-49, 51, 53-55, 63 and 65-67 are presented for examination, of which Claims 30, 37, 44, 51 and 63 are in independent form. Claims 53, 55, 63 and 65 were amended to correct claim dependency. Favorable reconsideration is requested.

Claims 53, 55, 65 and 67 were rejected under 35 U.S.C. § 112 on the ground that they lack proper antecedent basis because the claims from which they depend have been canceled. Applicant has carefully reviewed and amended the claims to correct their claim dependency. Accordingly, Applicant respectfully respects withdrawal of this rejection.

Claims 30-35, 37, 40-42, 44, 47-49, 51, 53-55, 63 and 65-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,668,134 (Niikawa et al.) in view of U.S. Patent No. 6,784,924 (Ward et al.).

Applicant respectfully traverses this rejection.

Claim 30 is directed to an image transferring apparatus including a storage unit, adapted to store image data and an image data transfer instruction unit, which is a button for instructing image data transfer, adapted to enable a user to enter an instruction to transfer the image data. Also included in the apparatus is a display unit, adapted to display a first screen to enable a user to select between (1) automatically transferring only image data stored in the storage unit which has not previously been transferred and (2) automatically transferring all image data stored in the storage unit. The display unit also is adapted to display a second screen to enable a user to select between (1) automatically transferring image data at the time of connection of the image transferring apparatus to another apparatus and (2) automatically

transferring image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit.

The apparatus further includes a transfer control unit, adapted to perform control to automatically transfer the image data, and (1) to judge a selection selected from the first screen displayed by the display unit, and if the selection to automatically transfer only image data not previously transferred is made, perform control to automatically transfer only the image data not previously transferred based on transfer history information, and if the selection to automatically transfer all image data stored in the storage unit is made, perform control to automatically transfer all the image data stored in the storage unit regardless of the transfer history information and (2) to judge a selection selected from the second screen displayed by the display unit, and if the selection to automatically transfer image data at the time of connection of the image transferring apparatus to the other apparatus is made, perform control to automatically transfer image data at the time of connection of the image transferring apparatus to the other apparatus, and if the selection to automatically transfer image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit is made, perform control to automatically transfer image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit.

By virtue of the structure recited in Claim 30, images that have not been transferred can be transferred, and transferring images that already have been transferred can be prevented even if a user forgets which images already have been transferred. In addition, the problem of having to individually select each image not already transferred when a large amount of images have been recorded is avoided.

The Office Action cites column 3, lines 45-47; column 4, lines 16-31; column 15, line 36 - column 19, line 40; and column 13, line 14 - column 14, line 22 as reciting the display unit, adapted to display a first screen to enable a user to select between (1) automatically transferring only image data stored in the storage unit which has not previously been transferred and (2) automatically transferring all image data stored in the storage unit. Applicant respectfully disagrees.

As an initial matter, the Office Action improperly combines portions of one component of the system described in Niikawa with others to meet the display unit. In particular, the display unit 10 discussed in cited column 3, lines 45-47 and column 4, lines 16-31 is a part of the image pickup unit 3 shown in Figure 3 and not the image display device 21 shown in Figure 9(a) and discussed in column 15, line 36 - column 19, line 40 and column 13, line 14 - column 14, line 22. Thus, any alleged display screens discussed in the cited passages in column 15, line 36 - column 19, line 40 and column 13, line 14 - column 14, line 22 clearly are not shown on the display unit 10, as suggested in the Office Action.

Moreover, nothing in column 15, line 36 - column 19, line 40 or column 13, line 14 - column 14, line 22 even hints of a first screen to enable a user to select between (1) automatically transferring only image data stored in the storage unit which has not previously been transferred and (2) automatically transferring all image data stored in the storage unit. Niikawa discusses, at col. 13, line 14 - col. 14, line 14, transferring all image data and corresponding history data from the memory card to the magneto-optic disc, including the steps of designating files to be transferred, comparing the amount of files to be transferred with the available storage space of the medium to which the data is to be transferred and, if there is sufficient

storage space, transferring the image file followed by its corresponding history file.

Column 15, line 36 - column 19, line 40 discusses, among other things, recording history data corresponding to a file in connection with the file transfer and retrieving images in the image display device 21 (again, not the display unit 10 of the image pickup device).

However, Applicant has found nothing in column 15, line 36 - column 19, line 40 or column 13, line 14 - column 14, line 22 (or anywhere else in Niikawa) that would teach or suggest “display unit, adapted to display a first screen to enable a user to select between (1) automatically transferring only image data stored in the storage unit which has not previously been transferred and (2) automatically transferring all image data stored in the storage unit, as recited in Claim 30.

It follows, therefore, that Niikawa fails to teach or suggest “a transfer control unit, adapted to perform control to automatically transfer the image data, and (1) to judge a selection selected from the first screen displayed by the display unit, and if the selection to automatically transfer only image data not previously transferred is made, perform control to automatically transfer only the image data not previously transferred based on transfer history information, and if the selection to automatically transfer all image data stored in the storage unit is made, perform control to automatically transfer all the image data stored in the storage unit regardless of the transfer history information,” as recited in Claim 30.

The Office Action cites column 2, lines 1-11 and column 3, lines 14-49 of Ward as disclosing display unit adapted to display a second screen to enable a user to select between (1) automatically transferring image data at the time of connection of the image transferring apparatus to another apparatus and (2) automatically transferring image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit. Applicant

respectfully disagrees for the same reasons discussed in the October 9, 2007 Preliminary Amendment.

In particular, Ward relates to a digital camera that can receive a file from a PC containing instruction information for communicating with a selected destination via a communications interface. After such file is received, Ward discusses that, when a user activates a send button, images that were manually selected by the user, one by one, can be transmitted from the camera to the desired destination via the communications interface. Ward further discusses that the “transmission may occur immediately after the pictures are taken, for example if the camera has a built-in cellular phone modem, or at a later time, when the camera is connected to a separate unit (such as a dock, kiosk, PC, etc.) equipped with a modem” (column 2, lines 5-9).

However, nothing in Ward appears to teach or suggest a “screen to enable a user to select between (1) automatically transferring image data at the time of connection of said image transferring apparatus to another apparatus and (2) automatically transferring image data in response to an instruction to transfer entered by the user with said image data transfer instruction unit,” as recited in Claim 30. Indeed, in Ward, the user must always provide an instruction to transfer in order for the camera to transfer image data. As discussed in column 3, lines 44-49 of Ward, “if there is a request to send an image, the user ensures that the camera is connected to the appropriate service (wired telephone line, cellular phone, kiosk, etc.) and pushes a ‘send’ button in the user button section 26, or selects a ‘send’ menu option on the LCD 24.” In addition, in Ward, the user must manually select the images to be transferred; such images are not automatically transferred.

Thus, for at least this reason, Claim 30 is patentable over Pavley, Niikawa and Ward, whether considered separately or in any permissible combination (if any).

If the Examiner maintains his rejections, Applicant respectfully requests that the next Office Action point out exactly where in the cited passages the first and second screens are found.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 30.

Independent Claims 37, 44, 51 and 63 recite features similar to those discussed above with respect to Claim 30 and therefore are also believed to be patentable over the cited prior art for the reasons discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present continued application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jennifer A. Reda/  
Jennifer A. Reda  
Attorney for Applicant  
Registration No.: 57,840

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCBS\_WS 2033141v1